

REMARKS

This amendment is offered in response to the Office Action of July 22, 2009. The applicant would like to thank the examiner for his courtesy, cooperation, and helpfulness during the examiner's interview of September 21, 2009.

The Office Action rejected Claims 1, 4, 5 and 18-20 under 35 U.S.C. 103(a) as being unpatentable over Simon et. al., U.S. Patent No. 5,900,930, in view of Ornellas et al., U.S. Patent Publication No. 20040238725. Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Simon in view of Ornellas in further view of Hinckley et. al., U.S. Patent 6,844,871.

By way of amendment, the applicant has amended Claims 1, 4, and 5. Claims 1, 4, 5, and 17-20 are pending in this application.

Claim 1 has been amended with the limitation of "a relative displacement detecting optical system comprising a lens, an image sensor, a light source and a signal processor responsive to relative movement of said rotatable platter based on information derived from said random pattern". In addition Claim 1 has been amended with the further limitation that "said rotatable platter disposed for direct user manipulation and rotation". Support for this further limitation can be found in paragraph [0021] of the present disclosure.

As discussed in the examiner's interview and disclosed in the examiner's interview summary, the examiner agreed with the following position of the applicant. The Simon reference is directed toward a device that uses a coded pattern in order to determine absolute rotational position. The currently claimed invention, as amended, is a relative displacement device and not capable of detecting absolute position. Therefore, Simon cannot be used as a primary reference under 35 U.S.C. 103(a) because any modification to Simon by any other reference to create the

currently claimed invention would render Simon unsatisfactory for its intended purpose (see MPEP 2143.01 (V)).

Claim 1 of the present invention “said rotatable platter disposed for direct user manipulation and rotation” None of the references cited by the examiner teach or suggest direct user manipulation of a rotatable platter.

From the reasons stated above, the applicant respectfully submits that the rejections of Claim 1 are overcome. Because Claims 4,5, and 17-20 depend on Claim 1, the rejections of these claims are also therefore overcome.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass the application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan Flum", with a stylized flourish at the end.

Alan M. Flum
Registration No. 64, 843

Stone Creek LLC
2019 NE 179 Street P67
Ridgefield, WA 98642

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